

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ROBERT MARK STEPHENS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-166-D
)	
JUSTIN JONES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court for review of the Report and Recommendation Concerning the Plaintiff's Motion for a Temporary Restraining Order [Doc. No. 105] issued by United States Magistrate Judge Robert E. Bacharach on June 3, 2011, pursuant to 28 U.S.C. § 636(b)(1). Judge Bacharach recommends that Plaintiff's Motion be treated as a request for a preliminary injunction but denied as moot, and that Plaintiff's supplemental motion expanding the scope of requested relief also be denied. After obtaining an extension of time, Plaintiff has filed a timely written objection [Doc. No. 122]. The Court must make a *de novo* determination of portions of the Report to which a specific objection is made, and may accept, modify, or reject the recommended decision. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

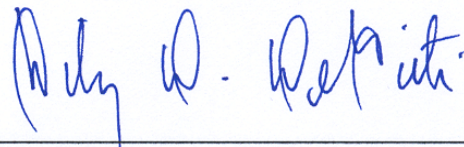
Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, brings this action seeking declaratory and injunctive relief and damages under 42 U.S.C. § 1983 on numerous claims concerning his confinement by the Oklahoma Department of Corrections ("DOC").

With his Complaint, Plaintiff filed the Motion for Temporary Restraining Order [Doc. No. 3] seeking to prevent the warden at his place of confinement, the William S. Key Correctional Center, from destroying or removing a box of legal materials that were being held in a property room. With Judge Bacharach's permission, Plaintiff subsequently filed a Supplement to the Motion [Doc. No. 62] that altered his request to encompass various actions by unspecified DOC officials that allegedly interfered with Plaintiff's access to his legal materials.

Upon *de novo* review of Judge Bacharach's Report and Recommendation, and Plaintiff's Objection thereto, the Court fully concurs in Judge Bacharach's findings and conclusions. Notwithstanding Plaintiff's effort in his Objection to craft a more narrowly-drawn request and to specify the particular relief he desires, the Court finds that Plaintiff has failed to present sufficient allegations to meet the requirements of Fed. R. Civ. P. 65(a) or the Prison Litigation Reform Act, 18 U.S.C. § 3626(a)(2). Accordingly, the Court adopts the Report and Recommendation Concerning Plaintiff's Motion for a Temporary Restraining Order [Doc. No. 105] as though fully set forth herein.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for Temporary Restraining Order [Doc. No. 3] is DENIED.

IT IS SO ORDERED this 29th day of September, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE